

Course Outline

COURSE: LAWS 4800A – Environment and Social Justice

TERM: FALL 2019

PREREQUISITES: LAWS 2908 and Fourth-Year Honours standing

CLASS: **Day & Time:** Fridays 11:35am – 2:25pm
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: **Professor Peter Swan**

CONTACT: **Office:** Room D590 Loeb Building
 Office Hrs: Tuesdays 1:00pm – 3:00pm
 Telephone: 613-520-2600 x. 8212
 Email: Peter.swan@carleton.ca

CALENDAR COURSE DESCRIPTION

The potential of environmental law to protect the environment and people while promoting opportunities for informed participation in environmental decision making by groups traditionally excluded from these processes; contemporary issues of social justice raised by legal regulation of the environment.

COURSE DESCRIPTION

While in North America and Europe, there appears to be a wide spread agreement on the value of 'nature' as one of our most important collective goods, there is little consensus on what constitutes a fair distribution of nature's resources. Similarly there is little agreement on who should make the decisions with respect to this distribution. Such disagreements have fundamental repercussions for the justness of the legal regulation of the environment. Despite a recognition of limitations in the existing regime of environmental law, a significant part of the environmental movement continues to insist on the need to mobilize existing legal resources and to push for legal reforms to provide both a more effective form of environmental protection and for wider participation in decisions about the environment as a collective good. In this seminar course, we will examine the potential of environmental law to protect the environment and to promote an equalization of opportunities for an informed participation in environmental decision-making. In addition, we will explore a number of specific issues of justice that are raised by the contemporary legal regulation of the environment.

REQUIRED TEXTS

Speaking for Ourselves: Environmental Justice in Canada: edited by J. Agyeman, P. Cole, R Haluza-Delay, P. O'Riley

Winning Back the Words: Confronting experts in environmental Public Hearings

LAWS 4800A Course pack All Available at the Carleton University Bookstore.

SYLLABUS

- 1 September 6, Course Introduction:**
- 2 September 13, Thematic Introduction: Two Models of Social Justice in the Context of the Environmental Regulation**
 Patrick . Monahan, "Social Equity and Waste Management" in A. Greenbaum et al., *Social Conflict and Environmental Law* , Vol. 1, pp. 135-141 (Source book)
- Iris Marion Young, "Justice and Hazardous Waste", Michael Bradie et al. eds., *The Applied Turn in Contemporary Philosophy*, Vol. 5, 1983, 171-183 (Sourcebook)
- 3. September 20, The Environmental Justice Frame & the Relationship Between Environmental Problems and Social Justice: Group 1, Class Presentation**
 Stella Čapek, "The Environmental Justice Frame" (1992) *Social Problems* (pp. 5-24)
- Leith Deacon & Jamie Baxter, "Framing Environmental Inequity in Canada" in *Speaking for Ourselves: Environmental Justice in Canada* (UBC Press: Vancouver, 2009) pp. 181-202
- Supplementary Reading which may be useful for paper topics
 Giavanna Di Chiro, "Nature as Community: The Convergence of Environment and Social Justice" in William Cronon, ed., *Uncommon Ground: Rethinking the Human Place in Nature* (1995)
- 4. September 27, Environmental Justice as Distribution of Risk: Group 2, Class Presentation**
 S. Harris Ali, "The Political Economy of Environmental Inequality: The Social distribution of Environmental Injustice" in *Speaking for Ourselves: Environmental Justice in Canada* (UBC Press: Vancouver, 2009) 97-110.
- Roger Keil, Melissa Ollevier & Erica Tsang, "Why There is No Environmental Justice In Toronto? Or is There?" in *Speaking for Ourselves: Environmental justice in Canada* (UBC Press: Vancouver, 2009) pp. 42-63
- 5. October 4, Issues in Environmental Justice: Eco-feminism: Group 3, Class Presentation**
 Robert R. M. Verchick, "In a Greener Voice: Feminist Theory and Environmental Justice" (1996) 19 *Harvard Women's Law Journal* 23- 88
- Barbra Rahder, "Invisible Sisters and Environmental Justice in Canada" in *Speaking for Ourselves: Environmental justice in Canada* (UBC Press: Vancouver, 2009) p. 81-96.
- Supplementary Reading
 Elaine Hughes, "Fish Wives and Other Tails: Ecofeminism and Environmental Law" In (1995) 8 *Canadian Journal of Women and the Law* 502

6. **October 11, Issues in Environmental Justice: Environmental Racism: Group 4, Class Presentation**
Howard McCurdy, "Africville: Environmental Racism" in *Faces of Environmental Racism: Confronting Issues of Global Justice*, Laura Westra & Peter S. Wenz, eds. (1995) PP. 75-92 (Sourcebook)

Beenash Jafri, "Rethinking "Green" Multicultural Strategies" in *Speaking for Ourselves: Environmental justice in Canada* (UBC Press: Vancouver, 2009) pp. 219-232.

7. **October 18, Issues in Environmental Justice: Environmental Justice and Aboriginal Peoples in Canada: Group 5, Class Presentation**

John Borrows, "Living Between Water and Rocks: First nations, Environmental Planning and Democracy" (1997) 47 *University of Toronto Law Journal* pp 417 -468 (Sourcebook)

Chief Bernard Ominayak with Kevin Thomas, "These are Lubicon Lands: A first nation forced to Step into the Regulatory Gap" in *Speaking for Ourselves: Environmental justice in Canada* (UBC Press: Vancouver, 2009) pp. 111-122

Sarah Fleisher Trainor *et al.*, "Environmental Injustice in the Far North: Persistent Organic Pollutants and Arctic Climate Impacts in *Speaking for Ourselves: Environmental justice in Canada* (UBC Press: Vancouver, 2009) pp. 144-162

8. **November 1, The Role of Rights and the Struggle for Recognition in the Context Environmental Justice: Group 1, Class Presentation**

Robyn Eckersley, "Environmental Rights and Democracy" in Roger Keil et al., eds., *Political Ecology: Global and Local*, (1998) pp. 353-376.

Schlosberg, David (2003). "The Justice of Environmental Justice: Reconciling Equity, Recognition, and Participation in a Political Movement." In Andrew Light and Avner deShalit, eds., *Moral and Political Reasoning in Environmental Practice*. Cambridge, MA: MIT Press.

Supplemental Reading: Michael McCann and Helena Silverstein, "Social Movements, Legal Mobilization and the Democratization of the State: Recent U. S. Experiences", Leo Panitch et al. eds., *A Different Kind of State*, 1993 (pp 131-143

Supplementary Reading

Dinah Shelton, "Human Rights, Environmental Rights, and the Right to Environment" (1991) 28 *Stanford Journal of International Law* 103

James W. Nickel & Eduardo Viola, "Integrating Environmentalism and Human Rights", (1994) 16 *Environmental Ethics* 265 (Supplementary Reading)

Alexandre Kiss, "Concept and Possible Implications of a Right to Environment" in K. E. Mahoney and P. Mahoney, eds., *Human rights in the Twenty-first Century* at p. 551. (1993) (Supplementary Reading)

9. **November 8, Contesting Scientific and Technical Claims in Environmental Hearings: Part 1, Groups 2&3 Class Presentation**

Mary Richardson et al., *Winning Back the Words: Confronting experts in public hearings*, Introduction and Chapters 1-4.

10. November 15, Group 1, Class Presentation Contesting Claims in Environmental Hearings: Part 2, Group 4 Class Presentation

Mary Richardson et al., *Winning Back the Words: Confronting experts in public hearings*, Chapter 5 - end of book.

Joan Sherman and Michael Gismondi, "Jock Talk, Goldfish, Horse Logging and Star Wars", (1996) 23 *Alternatives* 14.

Supplementary Reading

Brian Wynne, "Misunderstood Misunderstandings: Social Identities and Public Uptake of Science" in A. Irwin & B. Wynne, eds., *Misunderstanding Science?* (1996)

11. November 22, The Role of Traditional Aboriginal Knowledge in Environmental Justice: Group 5 Class Presentation

Deborah McGregor, Linking Traditional Knowledge and Environmental Practice in Ontario, 43 *Journal of Canadian Studies* No 3 Fall 2009, pp.69-100

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable). <https://carleton.ca/pmc/students/accommodations/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of

calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's Academic Integrity Policy can be found at:

<https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/sexual-violence-support/>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit:

<https://carleton.ca/equity/accommodation/academic/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>